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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 GEORGE A. TOLIVER,

9 Plaintiff,

10 vs.

11 LVMPD, et al.,

12 Defendant.
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Case No. 2:14-cv-00906-RFB-GWF

ORDER

14 This matter is before the Court on Plaintiff's Motion to Compel (ECF No. 47), filed on
15 August 15, 2016.

16 On April 18, 2016, the Court granted Plaintiff's Motion for Service of Subpoena ordering
17 the U.S. Marshals to serve a subpoena compliant with Rule 45 of the Federal Rules of Civil
18 Procedure submitted by Plaintiff upon the Las Vegas Metropolitan Police Department ("LVMPD").
19 (ECF No. 42). The Court further ordered that Plaintiff shall have sixty days from the date the
20 subpoena was served upon LVMPD to provide the Court with proof of service of the summons and
21 complaint on Defendant Officer Cole. (ECF No. 42). On July 13, 2016, the subpoena to LVMPD
22 was returned executed. (ECF No. 45). Plaintiff represents that he has not received the requested
23 information from LVMPD. On July 28, 2016, Plaintiff mailed a letter to the U.S. Marshal's Office
24 asking if the U.S. Marshals will forward the information requested in the subpoena to him or if he
25 must request it from LVMPD. (ECF No. 46).

26 Plaintiff requests an order from the Court compelling the U.S. Marshals to receive the
27 information requested in the subpoena from LVMPD and to forward it to Plaintiff. Plaintiff does
28 not indicate whether he attempted to resolve this issue by communicating with LVMPD. Plaintiff

1 is instructed to communicate with LVMPD to determine whether LVMPD will produce the
2 requested information in compliance with the subpoena. If unable to resolve this issue by
3 communicating with LVMPD, Plaintiff may file a motion to compel. In the interim, upon request,
4 the Court will grant an necessary extension of time to serve the Complaint. Accordingly,

5 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel (ECF No. 47) is **denied**
6 without prejudice.

7 DATED this 18th day of August, 2016.

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11 GEORGE FOLEY, JR.
12 United States Magistrate Judge
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